

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA |) | No. 1:CR-00-274 |
| |) | |
| v. |) | |
| |) | (JUDGE CALDWELL) |
| ANTONIO L. HORNE, |) | |
| |) | |
| Defendant/Petitioner. |) | (ELECTRONICALLY FILED) |

EXHIBITS TO UNITED STATES' RESPONSE TO PETITIONER'S
MOTION FOR RELIEF PURSUANT TO 28 U.S.C. § 2255

THOMAS A. MARINO
UNITED STATES ATTORNEY

JAMES T. CLANCY
ASSISTANT U.S. ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.
UNITED STATES OF AMERICA, .
Plaintiff .
vs. . Criminal No. 00-CR-274
ANTONIO L. HORNE, SR., .
Defendant .
.

TRANSCRIPT OF PROCEEDINGS

Before: HON. WILLIAM W. CALDWELL
Date : January 10, 2001; 9:30 a.m.
Place : Federal Building
Courtroom No. 1, 9th Floor
Harrisburg, Pennsylvania
By : Susan D. Kashmere, RPR
Reporter - Notary Public

APPEARANCES:

U.S. ATTORNEY'S OFFICE
By: JAMES T. CLANCY, ASSISTANT U.S. ATTORNEY
For - Plaintiff

PUBLIC DEFENDER'S OFFICE
By: L. REX BICKLEY, ESQ.
For - Defendant

I N D E X
WITNESSES

For Plaintiff:

| <u>SUSAN J. CROUSER</u> | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> |
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1 MR. BICKLEY: Good morning, Your Honor.

2 MR. CLANCY: Good morning, Your Honor.

3 Before the Court this morning is United States
4 of America versus Antonio L. Horne. It is
5 docketed to --

6 THE COURT: You can sit down.

7 MR. CLANCY: It is docketed to Criminal
8 Number 1:CR-00-274. Mr. Horn was indicted in
9 October and charged with being a convicted
10 felon in possession of a firearm.

11 The defendant has filed several pretrial
12 motions, some of which request the suppression
13 of certain statements and evidence. This is
14 the time and the place the Court has set for a
15 hearing on that motion or those motions which
16 request suppression. The United States is
17 prepared to proceed.

18 THE COURT: Okay, we'll go right ahead
19 then.

20 MR. CLANCY: Your Honor, the United States
21 calls its first witness, Officer Susan Crouser.

22 MR. BICKLEY: Your Honor, for purposes of
23 this hearing we are prepared to stipulate in
24 order to expedite this -- it's, of course, up
25 to the Court -- stipulate that an event

1 occurred -- it's my understanding that Officer
2 Crouser is going to testify to an event which
3 occurred on October 6th which caused the
4 Harrisburg Police to investigate a matter and
5 then seek a warrant. We're prepared to
6 stipulate to that.

7 MR. CLANCY: Your Honor, one of the
8 contentions made in the defendant's motion is
9 that the stop that occurred was unlawful. I
10 believe it would be appropriate for the Court
11 to hear Officer Crouser's brief testimony about
12 the information that she gathered in the
13 investigation which led to the stop.

14 THE COURT: Okay. I'll let you try your
15 case. Mr. Bickley has agreed to stipulate to
16 anything that you think will expedite this.
17 With that understanding we'll go ahead.

18 SUSAN J. CROUSER, called as a witness,
19 being duly sworn, testified as follows:

20 THE CLERK: Would you state for the
21 record, ma'am, your full name and spell your
22 last name, please?

23 A. Susan J. Crouser, C-r-o-u-s-e-r.

24 DIRECT EXAMINATION

25 BY MR. CLANCY:

Direct/Clancy - Crouser

5

1 Q. Officer Crouser, where do you work?

2 A. Harrisburg City Police Department.

3 Q. How long have you worked for Harrisburg Police?

4 A. Ten years.

5 Q. Were you involved back in October of 1995 in an
6 investigation regarding a person named Antonio
7 Horne?

8 A. Yes, I was.

9 Q. Do you recall that investigation?

10 A. Yes, I do.

11 Q. Can you tell the Court, please, how you became
12 involved in it?

13 A. We were called to an address on Rumson Drive in
14 the city for a domestic dispute involving a
15 gun, firearm.

16 Upon our arrival I spoke to a Ruth
17 Rodriguez, who stated that she was the victim
18 of a domestic assault involving the defendant,
19 that he came home in the middle of the night --
20 we were called there about 1:30 in the morning
21 -- and got her out of bed, dragged her down the
22 stairs, repeatedly threatened her with a gun,
23 struck her in the forehead with the butt of the
24 gun, pointed the gun to her head, pulled the
25 trigger several times and also chased her

Direct/Clancy - Crouser

6

1 children up the steps, smacked them a couple
2 times.

3 Q. Officer, you referred to the time of 1:30 in
4 the morning. Was that on the date of October
5 7, 1995?

6 A. Yes, it was.

7 Q. Did Miss Rodriguez appear to you to have any
8 injuries consistent with the story she was
9 telling you about being beaten with a gun?

10 A. Yeah, she had a large lump with a laceration on
11 her forehead.

12 Q. You said that she told you the trigger was
13 pulled several times. Do you have any idea
14 what happened when the trigger was pulled?

15 A. Nothing. It clicked.

16 Q. Did she tell you who had committed this act
17 upon her?

18 A. Yes, Mr. Antonio Horne.

19 Q. Was Mr. Horne at the residence while you were
20 there?

21 A. No, he was not. He had left.

22 Q. What did you do from that point in your efforts
23 to find Mr. Horne?

24 A. We had sent out a countywide BOLO to watch out
25 for Mr. Horne's van.

Direct/Clancy - Crouser

7

1 Q. What does BOLO mean?

2 A. Be on the lookout for.

3 Q. Is it your understanding that that be on the
4 lookout was dispatched countywide to all police
5 and law enforcement agencies?

6 A. Yes.

7 MR. CLANCY: Those are all the questions I
8 have for Officer Crouser.

9 **CROSS EXAMINATION**

10 BY MR. BICKLEY:

11 Q. Officer Crouser, you indicated that you came
12 out at 1:30, is that correct, approximately?

13 A. Approximately, yes, sir.

14 Q. And did you seek a warrant -- did you request a
15 warrant at any time?

16 A. Yes, I did. As soon as I cleared and left the
17 residence I went and did the paperwork and had
18 the warrant, complaint drawn up. So it was
19 sitting there on the desk.

20 Q. But you didn't obtain the warrant, though. Is
21 that correct?

22 A. I drew up the complaint to have it signed by a
23 judge. You know, it becomes a warrant, but
24 when the person is picked up, then the judge
25 comes and signs it, takes care of it. It's

Cross/Bickley - Crouser

8

1 signed by me.

2 Q. Do you recall when the warrant was actually
3 signed by the judge?

4 A. No, I don't.

5 MR. BICKLEY: That's all I have, Judge.

6 THE COURT: Thank you.

7 MR. CLANCY: Your Honor, I have a
8 follow-up question for Officer Crouser.

9 **REDIRECT EXAMINATION**

10 BY MR. CLANCY:

11 Q. You said a warrant was sought. Did you make
12 any determination about whether the gun that
13 Miss Rodriguez told you about was still in the
14 house?

15 A. I really don't remember. I drew up assault
16 charges. So I don't remember if she had said
17 he had the gun with him or if it was still in
18 the house.

19 Q. Do you recall whether the BOLO that went out --

20 A. Yes, that did go out as be on the lookout for
21 him because it was a domestic --

22 THE COURT: I don't think the question had
23 been finished yet.

24 BY MR. CLANCY:

25 Q. Do you recall whether the BOLO went out making

Redirect/Clancy - Crouser

9

1 reference to the possibility of the suspect
2 having a gun?

3 A. Yes, it did.

4 MR. CLANCY: That's all I have. Thank
5 you.

6 THE COURT: I think that's all. Thank
7 you.

8 MR. CLANCY: Your Honor, the United States
9 next calls Timothy Wasielewski to the stand.

10 **TIMOTHY WASIELEWSKI**, called as a witness,
11 being duly sworn, testified as follows:

12 THE CLERK: Would you state for the
13 record, sir, your full name, please, and spell
14 your last name, please?

15 A. My name is Tim Wasielewski,
16 W-a-s-i-e-l-e-w-s-k-i.

17 THE CLERK: Thank you.

18 **DIRECT EXAMINATION**

19 BY MR. CLANCY:

20 Q. Mr. Wasielewski, where do you work now?

21 A. I'm employed as a house parent with Milton
22 Hershey School.

23 Q. How long have you been doing that?

24 A. A year and a half.

25 Q. What was your job before you became a house

Direct/Clancy - Wasielewski

10

1 parent at Milton Hershey?

2 A. I was a police officer with Swatara Township
3 Police Department for 12 years.

4 Q. Were you employed as an officer for Swatara
5 Township back in the time frame of October,
6 1995?

7 A. Yes, I was.

8 Q. Do you recall being involved around that time
9 period in an investigation regarding Antonio
10 Horne?

11 A. Yes, I do.

12 Q. How is it that you recall that, Mr.
13 Wasielewski?

14 A. During that particular morning we were at roll
15 call and I specifically remember the BOLO being
16 given out about this incident and it involving
17 a handgun. Those types of incidents usually
18 stick in a police officer's mind and that's
19 something I remember.

20 Q. And you referred to this particular date. As
21 best you recall and from reviewing your
22 reports, was that date October 7th, 1995?

23 A. Yes.

24 Q. What did you do upon hearing this BOLO being
25 transmitted over the radio?

Direct/Clancy - Wasielewski

11

1 A. Well, that morning we were at roll call and the
2 BOLO was given out. Some Lower Paxton officers
3 over in the area of Route 22 by I believe it's
4 South Houcks Road, there was a bank over there,
5 they came into contact with this white van with
6 some lettering on the side of it. There was
7 some conversation between them and the
8 dispatchers about this possibly being the
9 vehicle that was being looked for by the city.

10 The vehicle started to leave the scene of
11 the bank and a Lower Paxton officer began to
12 follow it. As we were continuing to listen the
13 vehicle proceeded to come I guess it was
14 westbound on Route 22 there towards the
15 interstate and started to go southbound on 83.
16 And, naturally, we started to listen closely
17 because that was coming towards our
18 jurisdiction. Swatara Township is located to
19 the south of Lower Paxton Township.

20 And the vehicle continued to keep coming
21 our way and we got out into the parking lot to
22 enter our patrol cars and headed up toward the
23 area of 83 where it was coming into the
24 interchange, the Eisenhower interchange there,
25 just continued to listen to the radio and the

Direct/Clancy - Wasielewski

12

1 vehicle did, indeed, come down into Swatara
2 Township on Eisenhower Boulevard. It was a
3 white van. When it came into our jurisdiction
4 I got in behind it and pulled it over.

5 Q. After you pulled the vehicle over what did you
6 do?

7 A. After I pulled the vehicle over we had Mr.
8 Horne get out of the vehicle and he was taken
9 into custody.

10 Q. How did Mr. Horne react to being pulled over by
11 you?

12 A. He was cooperative. He listened to everything
13 that we asked him to do. He was cooperative.

14 Q. Did you have any problem gaining identification
15 from him?

16 A. No, he told us who he was.

17 Q. When you placed him under arrest what happened
18 to the van?

19 A. The van was impounded by the Harrisburg City
20 Police Department and I believe one of our
21 officers stayed at the scene until the tow
22 truck showed up to take the van.

23 Q. Did you go back to the Harrisburg Police
24 Department?

25 A. Yes, I did.

Direct/Clancy - Wasielewski

13

1 Q. Did you have further contact with Mr. Horne
2 when you were back at the Harrisburg Police?

3 A. Yes, I did. What happened was in my contact
4 with him I noticed there was a strong odor of
5 an alcoholic beverage coming from his person
6 and his breath. His eyes were real bloodshot
7 and he was somewhat thick-tongued. I believed
8 he might possibly be under the influence of an
9 alcoholic beverage. I indicated that to the
10 officers on the scene there and stated I was
11 going to ask him to do a Breathalyzer test back
12 at their station.

13 THE COURT: At what station?

14 A. At the Harrisburg Police station.

15 THE COURT: That's where you were?

16 A. That's where we were going, yes, sir.

17 THE COURT: Oh, you were going, you hadn't
18 gotten there yet?

19 A. Yes, sir.

20 BY MR. CLANCY:

21 Q. When you got back to the Harrisburg Police did
22 you, in fact, request him to submit to a
23 Breathalyzer test?

24 A. Yes, I did.

25 Q. Did he agree to do that?

Direct/Clancy - Wasielewski

14

1 A. No, he refused to take the test.

2 Q. After he refused what did you do?

3 A. I left. I told him he was going to receive a
4 summons for the DUI charge because in the
5 course of my investigation I found that his
6 driver's license was suspended, told him that
7 he would receive that charge, as well as a DUI
8 charge and I left.

9 Q. You referred to hearing the BOLO call during
10 your roll call on the morning of October 7th,
11 1995. About what time did you have roll call
12 that morning?

13 A. We always reported for morning roll call at ten
14 till 8:00. So it would have been 7:50 a.m..

15 MR. CLANCY: Those are all the questions I
16 have for Mr. Wasielewski.

17 THE COURT: Okay.

18 **CROSS EXAMINATION**

19 BY MR. BICKLEY:

20 Q. Officer Wasielewski, it seems to me from your
21 testimony the basis for stopping him was the
22 BOLO and that's it. Is that correct?

23 A. That's correct.

24 Q. Why was the vehicle towed to the Harrisburg
25 Police Department?

Cross/Bickley - Wasielewski

15

1 A. It was part of their investigation into the
2 incident that occurred in the city.

3 Q. So you were directed by them to take it
4 downtown or have it taken downtown?

5 A. Our department didn't impound it. Harrisburg
6 City Police Department did.

7 Q. About what time did you arrive downtown to the
8 police department, about?

9 A. I can't really say for sure. Probably
10 somewhere around 9:00 a.m., maybe a little bit
11 after. I don't really remember.

12 Q. And about what time, and, again, I understand
13 this was several years ago, about what time did
14 you ask the defendant to undergo a Breathalyzer
15 examination?

16 A. It would have been shortly thereafter.

17 Q. And he refused?

18 A. That's correct.

19 Q. Did he ask to speak with an attorney at that
20 time?

21 A. I don't recall.

22 Q. He could have, though?

23 A. It's possible. I don't remember.

24 Q. Who else was in the -- was there a videotape of
25 this at this time?

Cross/Bickley - Wasielewski

16

1 A. There normally is a videotape machine there. I
2 can't remember if I started the tape that
3 morning or if it was not working, but that is
4 the normal procedure, yes.

5 Q. So there could be a videotape of this?

6 A. There may be.

7 Q. And who would have that?

8 A. The district attorney's office.

9 Q. You subsequently completed a warrant -- excuse
10 me, a complaint, criminal complaint regarding
11 the DUI related charges. Is that correct?

12 A. That's correct.

13 Q. In that complaint did you attach an affidavit
14 of probable cause?

15 A. I'm pretty sure that I did. I don't remember
16 if I did, but I'm pretty sure. That was
17 normally what I would do.

18 MR. BICKLEY: The Court's indulgence for a
19 minute.

20 (Pause)

21 MR. BICKLEY: Your Honor, may I approach?

22 THE COURT: Yes.

23 BY MR. BICKLEY:

24 Q. Would you kindly take a look at that document?

25 Did you get a chance to take a look at

Cross/Bickley - Wasielewski

17

1 that, Officer Wasielewski?

2 A. Yes, I have.

3 Q. Is that the complete complaint that you filed?

4 A. Yes, it is. There's no affidavit of probable
5 cause attached to it, but this is the criminal
6 complaint.

7 Q. So it's possible that there wasn't an affidavit
8 of probable cause?

9 A. It's possible. I don't remember if I filed one
10 or not.

11 MR. BICKLEY: Could we kindly mark that,
12 Your Honor?

13 (Defendant's Exhibit Number 1 marked for
14 identification.)

15 BY MR. BICKLEY:

16 Q. Do you recall what was the outcome of the DUI
17 complaint filed against the defendant?

18 A. It went to a preliminary hearing in front of
19 District Justice Yanick's office. He found a
20 prima facie case and the case was sent to
21 Dauphin County Court.

22 Sometime after that I went to Dauphin
23 County Court in reference to the case in front
24 of Judge Lawrence Clark. I did not know until
25 yesterday what the outcome of that was. When I

Cross/Bickley - Wasielewski

18

1 spoke with U.S. Attorney Clancy he informed me
2 that that charge was dismissed.

3 Q. So you have no recollection that it was
4 dismissed for lack of probable cause at the
5 outset?

6 A. No, I did not know what had happened.

7 MR. BICKLEY: That's all I have.

8 THE COURT: Thank you. That's all, Mr.
9 Clancy?

10 MR. CLANCY: Nothing further, Your Honor.
11 Your Honor, the United States calls Officer
12 Angel Gonzalez to the stand.

13 **ANGEL GONZALEZ**, called as a witness, being
14 duly sworn, testified as follows:

15 THE CLERK: Would you state your full name
16 for the record, please, and spell your last
17 name, please?

18 A. My name is Angel M. Gonzalez, G-o-n-z-a-l-e-z.

19 **DIRECT EXAMINATION**

20 BY MR. CLANCY:

21 Q. Officer Gonzalez, where do you work?

22 A. I work for the Harrisburg City Police
23 Department.

24 Q. How long have you worked for Harrisburg City
25 Police?

Direct/Clancy - Gonzalez

19

1 A. 17 years.

2 Q. Were you involved in the investigation of
3 Antonio Horne back on October 7th of 1995?

4 A. Yes, I was.

5 Q. Can you tell the Court how you came to become
6 involved in the investigation that morning?

7 A. On that day I was working the booking desk --
8 that's a booking room officer processing
9 prisoners in there -- at which time I was
10 informed by my supervisor that I was going to
11 handle the investigation.

12 Q. Had you had anything to do with the matter
13 involving Mr. Horne up to that point?

14 A. No.

15 Q. What did you first do when Mr. Horne arrived at
16 the Harrisburg Police station?

17 A. The first thing we do is obtain his property.
18 He's informed of his charges and he was
19 Mirandized by myself.

20 Q. Now, do you remember actually giving him his
21 Miranda warnings that day?

22 A. Yes, I do.

23 Q. How is it that you remember that back in 1995?

24 A. Because it was odd that a booking room officer
25 is going to handle a case. You know, normally

Direct/Clancy - Gonzalez

20

1 we don't handle the cases, I just process the
2 individual and someone else is the prosecuting
3 officer.

4 Q. And you actually remember advising Mr. Horne,
5 this defendant, of his rights?

6 A. Yes, because I use a card, a Miranda warning
7 card which I carry all the time and I read from
8 the card.

9 Q. Did you read from that card to Mr. Horne?

10 A. Yes, I did.

11 Q. And what was the result of your advising him of
12 his Miranda rights?

13 A. He indicated that he -- well, he acknowledged
14 that he understood his rights.

15 Q. What was his demeanor at the time you were
16 reading him his rights from the advice of
17 rights card?

18 A. He was calm.

19 Q. Did it appear to you that he could understand
20 what you were telling him?

21 A. Yes.

22 Q. Did you ask him as part of giving him the
23 rights whether he would agree to talk to you?

24 A. Yes, I did.

25 Q. How did he respond to you?

Direct/Clancy - Gonzalez

21

1 A. He indicated yes.

2 Q. What did you tell Mr. Horne about what was
3 going on with the investigation at that time?

4 A. I indicated to him that his vehicle was being
5 towed for an investigatory purpose because we
6 believed that there was a weapon in the
7 vehicle.

8 Q. What did he say to you at that point, if
9 anything?

10 A. He informed me that there was a gun in there
11 and that the gun was behind his seat, behind
12 the driver's side seat.

13 Q. Did he describe the gun to you at all or did he
14 tell you anything else about it?

15 A. No.

16 Q. Did he tell you why he had a gun? Did you ask
17 him about that at all?

18 A. He indicated to me -- this is Mr. Horne
19 informing me. I never actually asked him why
20 the gun was there. He informed me that the gun
21 was behind the seat, that he took the gun out
22 of the house after he had an argument with his
23 girlfriend.

24 Q. Did he say anything to you about whose gun it
25 was?

Direct/Clancy - Gonzalez

22

1 A. Yes. He indicated also to me that he obtained
2 the gun from a friend of his, a Donald
3 Livingston, and that the gun was obtained for
4 his protection.

5 Q. For whose protection?

6 A. Mr. Horne's, for the house.

7 Q. Did you at some point ask Mr. Horne for consent
8 to search the van?

9 A. Yes, I did.

10 Q. What did he tell you when you asked for that
11 consent?

12 A. He verbally gave me permission, but I then went
13 and obtained a written form, a consent to
14 search for and I had him sign that form.

15 (Government Exhibit Number 1 marked for
16 identification.)

17 BY MR. CLANCY:

18 Q. I'm going to ask you to look on the table there
19 in front of you. Is there a document there
20 that's marked Government Exhibit 1?

21 A. Yes.

22 Q. Could you take a look at that and tell the
23 Court what it is, please?

24 A. This is a consent to search form. I recognize
25 my handwriting, also the signature of Mr. Horne

Direct/Clancy - Gonzalez

23

1 and the witnessing officer John Green who
2 witnessed the signature.

3 Q. Now, Officer, is that the original of the
4 consent form?

5 A. No, this is a copy of the consent form, consent
6 to search form.

7 Q. Does the original still exist?

8 A. No, the item was microfilmed by the police
9 department.

10 Q. Does that appear to you, though, to be an
11 accurate copy of the form that you presented to
12 Mr. Horne that morning and that he signed?

13 A. Yes.

14 MR. CLANCY: Your Honor, I move the
15 admission of Government Exhibit 1.

16 THE COURT: Any objection?

17 MR. BICKLEY: No.

18 THE COURT: All right. It's admitted.

19 BY MR. CLANCY:

20 Q. Now, after Mr. Horne both verbally indicated to
21 you that you can search the van and he signed
22 that form did you, in fact, conduct a search of
23 his van?

24 A. Well, I went outside into the mezzanine area,
25 at which time I ran into Officer Wideman, who's

Direct/Clancy - Gonzalez

24

1 seated at the rear. He was assigned to assist
2 me in the search of the vehicle.

3 Q. After you ran into Officer Wideman did you then
4 search the van?

5 A. Yes.

6 Q. Did you find a firearm in the van?

7 A. Yes. We went into the vehicle. The weapon was
8 exactly where Mr. Horne indicated, at the rear
9 or behind the driver's side seat and it was in
10 plain view.

11 Q. It wasn't tucked underneath the seat at all?

12 A. No.

13 Q. How did you come to see the weapon in the van?

14 A. What I first noticed when I looked in the
15 vehicle was a camouflage holster. Upon taking
16 a closer look at the holster there was a gun in
17 the holster, a .357 magnum.

18 Q. Did you remove the gun from the holster?

19 A. Yes, to check to see if the weapon was loaded
20 or not.

21 Q. Was it loaded?

22 A. Yes, there were six rounds in that weapon.

23 Q. Did you then render that weapon safe?

24 A. Yes.

25 Q. As a matter of policy, Officer, when a vehicle

Direct/Clancy - Gonzalez

25

1 is brought into the police department what is
2 done with it when it gets there?

3 A. Well, when a vehicle is impounded the normal
4 procedure is to conduct an inventory of the
5 vehicle, that is, anything of value that's in
6 plain view we document.

7 Q. Would you consider that .357 Smith and Wesson
8 an item of value?

9 A. Yes.

10 Q. If Mr. Horne, when you asked him if he would
11 consent to search, said no, you can't search my
12 van, under departmental procedure what would
13 you have done?

14 A. We would have done an inventory of the vehicle,
15 because it was going to basically impound it.

16 MR. CLANCY: May I have just a moment,
17 Your Honor? (Pause) Those are all the
18 questions I have at this point for Officer
19 Gonzalez.

20 **CROSS EXAMINATION**

21 BY MR. BICKLEY:

22 Q. Officer Gonzalez, do you recall testifying at a
23 preliminary hearing on May 22nd, 1996 in the
24 office of District Justice Zozos regarding this
25 matter?

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1 A. I believe so, yes.

2 Q. So you do recall?

3 A. I recall being there, yes.

4 Q. And testifying?

5 A. I'm not sure.

6 Q. So you're not sure whether you --

7 A. I believe I did, yes.

8 Q. You did?

9 A. Yeah.

10 Q. Do you recall testifying that the defendant
11 signed a Miranda waiver?

12 A. A Miranda waiver?

13 Q. Yes.

14 A. No, I didn't say he signed a Miranda waiver.

15 Q. You didn't?

16 A. Consent to search. Not that I know of, the
17 Miranda waiver.

18 MR. BICKLEY: The Court's indulgence just
19 a minute.

20 BY MR. BICKLEY:

21 Q. Do you know offhand if the Harrisburg Police
22 Department does use a waiver of rights form in
23 these incidents?

24 A. A waiver of rights form you normally use for
25 juveniles and when someone is taking a formal

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1 statement. It's not something that's normally
2 used by patrol officers.

3 Q. Well, you were in the police department when
4 you were asked to conduct this investigation,
5 though. Is that correct?

6 A. Yes, to a certain extent.

7 MR. BICKLEY: Your Honor, may I?

8 THE COURT: Sure.

9 BY MR. BICKLEY:

10 Q. Now, the person involved here has nothing to do
11 with this case, Officer Gonzalez, but is this
12 form familiar to you at all?

13 A. Not really, because normally investigators,
14 which are detectives, use these forms for
15 consent to -- for waiver of rights and juvenile
16 detectives. They're not something that's
17 normally used by patrol officers.

18 THE COURT: You say it's not something
19 that is used?

20 A. No, unless you're taking a formal statement
21 from someone or interrogating them.

22 BY MR. BICKLEY:

23 Q. So your testimony is that you read off this
24 little card that you keep?

25 A. Yes.

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1 Q. And your testimony is that he understood what
2 you were telling him and he verbally --

3 A. He verbally responded to me, yes.

4 Q. And what did he say exactly?

5 A. To the best of my recollection, either yeah or
6 yes.

7 Q. I'm, once again, drawing your attention to the
8 preliminary hearing in which you testified in
9 response to the question: And did he say that
10 he wished to speak to you or wish to waive
11 those rights? Do you recall testifying: He
12 didn't say if he waives his rights?

13 A. Is that a question, sir?

14 Q. Yes.

15 A. I don't recall that.

16 MR. BICKLEY: May I show this to the --

17 THE COURT: Yes.

18 BY MR. BICKLEY:

19 Q. (Hanging).

20 A. Where is the question at?

21 Q. And did he say that he wished to speak to you
22 or wish to waive those rights? Your response:
23 He didn't say if he waives his rights. He
24 never -- he just started talking.

25 A. No, he wouldn't have said something like that.

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1 He waived his rights.

2 Q. So he didn't say that he --

3 A. The remarks would be either yes or yeah when
4 someone asks someone that type of question.

5 Q. But I guess my question is then he didn't
6 affirmatively say he waived his rights?

7 A. Well, also on that form just above that I
8 indicate that he indicated yes, that he
9 understood his rights, just above that
10 question.

11 Q. That's correct, he did say that. But he didn't
12 say to you he wished to waive those rights,
13 though?

14 A. No, he wouldn't say something -- well, no, he
15 never made that remark.

16 THE COURT: He did say yes that he
17 understood the rights?

18 A. Correct.

19 THE COURT: That's what you've said.
20 Okay.

21 BY MR. BICKLEY:

22 Q. And so as far as you know, he never made any
23 other affirmative statements that he wanted to
24 waive his rights?

25 A. I basically went through my card that I carry

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1 with me and he replied to each question on the
2 card; one of them, also, you know, knowing
3 these rights do you wish to speak with me. And
4 the response would be yes or yeah. Normally
5 people don't answer I'm waiving my rights to
6 speak with you. It's either yes or no is the
7 basic response to a question like that.

8 Q. And he didn't sign any forms that he wished to
9 waive his rights?

10 A. For that, no.

11 Q. Now, you were here when Officer Wasielewski
12 testified about him being asked if he was
13 interested in taking -- or wished to take or
14 would be willing to take a Breathalyzer test.
15 Is that correct? Were you there then?

16 A. At the point that he was doing that, I don't
17 recall that part, because he would normally
18 take him to the back -- there's a little room
19 where you go to do the Breathalyzer, which is
20 still part of the booking room, but it's just
21 set off to the left, but I don't recall that.

22 Q. Do you recall whether at that time or any other
23 time, for that matter, whether he expressed a
24 desire to speak to a lawyer?

25 A. Mr. Horne?

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1 Q. Yes.

2 A. No.

3 Q. But he could have?

4 A. Yes. You mean he could have asked that
5 question? Yes, he could have asked the
6 question, but he never did.

7 THE COURT: You're saying he didn't do it?

8 A. No, he didn't do it. I thought he meant, what
9 the attorney was saying, could he have asked a
10 question like that and I said, yeah, he could
11 have asked a question like that.

12 THE COURT: I think what the attorney
13 meant was was it possible that he said he
14 wanted to see an attorney?

15 A. Oh, no, he never made that statement that he
16 wanted an attorney.

17 BY MR. BICKLEY:

18 Q. So you don't know whether he might have made
19 that statement to Officer Wasielewski?

20 A. No, I wouldn't know that. I wouldn't be there
21 with him.

22 Q. Officer Gonzalez, with respect to the consent,
23 you could have obtained a warrant -- he was in
24 custody. Is that correct?

25 A. Yes.

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1 Q. And you could have obtained a warrant to search
2 the vehicle?

3 A. A search warrant?

4 Q. Yes. You could have? You had time? He wasn't
5 going anywhere and the van wasn't going
6 anywhere, was it?

7 A. Right.

8 Q. But you didn't do that?

9 A. No.

10 Q. Did you tell the defendant that unless he
11 consented to the search of the van that you
12 were going to ultimately rip it up anyway?

13 A. No.

14 Q. Did you make any statements like that?

15 A. No, sir.

16 Q. You heard me ask Officer Wasielewski -- I think
17 it was Wasielewski -- whether a camera was
18 running during this investigation at the
19 Harrisburg Police station. Do you recall
20 whether there was a video camera running at
21 this time?

22 A. The cameras normally turn on as the procedure
23 for giving a DUI test at the police station,
24 when they make them walk a line and the
25 stagmus test, but I don't recall the camera

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1 being turned on.

2 Q. Could it have been turned on?

3 A. Yes, because it's only done in the back room --
4 well, the room that sits off to the side.

5 Q. I guess --

6 A. And I wouldn't be able to see him do that.

7 Q. During the period of time when you were
8 interviewing the defendant, though, you would
9 not -- are you saying that you wouldn't have
10 been in that room anyway, is that correct?

11 A. Correct.

12 Q. You were outside of the video room, in other
13 words, is that what you're saying?

14 A. Right.

15 Q. Were you the officer who completed the
16 complaint against the defendant?

17 A. Not in reference to the charge of aggravated
18 assault.

19 Q. For the firearm charge?

20 A. Yes.

21 MR. BICKLEY: Your Honor, may I?

22 THE COURT: Yes.

23 (Defendant's Exhibit Number 2 marked for
24 identification.)

25 BY MR. BICKLEY:

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1 Q. Officer Gonzalez, I don't have a copy of the
2 original complaint. This is a copy -- well,
3 let me ask you, could you identify that?

4 A. Yes, this a criminal complaint.

5 Q. Filed against the defendant?

6 A. Mr. Antonio Horne, yes.

7 Q. But that's not the original complaint, though,
8 is it?

9 A. This is the refile.

10 Q. Yes, that's correct. But for all intents and
11 purposes, that's identical, maybe with the
12 exception of some dates, to the original
13 complaint filed against him that you filed, you
14 completed. Is that a fair statement?

15 A. Yes.

16 Q. Is that the entire document?

17 A. For me?

18 Q. Yes, that you filed.

19 A. For this date, yes.

20 Q. And there was nothing else attached to it, no
21 probable cause affidavit or --

22 A. Because this was on view, so I wouldn't do a
23 probable cause affidavit.

24 Q. When you were conducting this investigation was
25 there any other officer present?

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1 A. Officer Green was in the booking room in
2 reference to the booking process and Officer
3 Wideman was involved when I was doing the
4 search outside with the vehicle.

5 Q. This complaint was originally filed when?

6 A. What do you mean?

7 Q. When was the original complaint that you
8 completed filed?

9 A. You mean that complaint?

10 Q. Well, the predecessor of this complaint. This
11 was the refile.

12 A. That was a refile. That was done that same
13 day.

14 Q. The same day, October 7th?

15 A. He was charged that same day.

16 Q. Right. And with respect to this charge what
17 occurred after that?

18 A. What do you mean, the first time?

19 Q. When was there a preliminary hearing for that
20 charge, do you recall?

21 A. I'd have to look at my notes real quick to
22 recall the date, the exact date.

23 Q. Could you do that?

24 A. Okay, yeah. That was February the 17th, 1996.

25 Q. No, I mean the original complaint.

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1 A. On the original hearing?

2 Q. Yes.

3 A. I don't recall the original hearing date.

4 Q. Was there a preliminary hearing date set for
5 October 17th, 1995 before District Justice
6 Marsha Stewart?

7 A. There may have been. I don't recall that.

8 Q. And do you recall that on that date the hearing
9 was postponed to November 27th, 1995?

10 A. Oh, that the hearing was -- yes, it was
11 transferred to another judge.

12 Q. And that judge was District Justice Zozos. Is
13 that correct?

14 A. Yes.

15 Q. It was transferred to him on November 27th,
16 1995. Is that correct?

17 A. I don't recall the exact dates, but, yes, it
18 was transferred.

19 Q. And the hearing was then continued until
20 December 19th. Is that correct?

21 A. I don't recall the dates.

22 Q. To the extent of what you remember.

23 A. The only thing I recollect is that the initial
24 hearing was sent to Zozos because Judge Stewart
25 knew either Mr. Horne or his family. So

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1 conflict there, so she had it transferred to
2 his office. And the next thing I know there
3 was a hearing that was dismissed on February
4 the 17th.

5 Q. Well, the hearing before District Justice Zozos
6 was on December 19th. Do you recall that that
7 was continued because you failed to appear?

8 A. No, I don't recall.

9 Q. Is that possible?

10 A. Well, during a certain time period -- I don't
11 remember the exact date -- I had an injury
12 where my back was herniated. I have a
13 herniated disc. And I was out of work for some
14 time.

15 Q. Do you recall then -- and I understand that
16 these are just dates all mushed together,
17 especially after five years, but do you recall
18 that the hearing was then continued to January
19 3rd, 1996?

20 A. To when, to December --

21 Q. January 3rd, 1996.

22 A. I don't recall the exact dates, but I do
23 remember now that I was -- my back did go out,
24 because the date that the hearing was dismissed
25 I was working in the booking room. So during

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1 that time period I was suffering from a
2 herniated disc.

3 Q. So there could have been a hearing date set for
4 January 3rd?

5 A. Yes, but I would have never been able to go.

6 Q. And do you recall whether that was continued
7 for a third time because you failed to appear?

8 A. I don't recall dates.

9 Q. But that could have been the case?

10 A. There could have been a hearing that day, but I
11 wouldn't have gotten the subpoena being that I
12 was injured.

13 Q. And that it was continued to February 14th, at
14 which point the charge was dismissed. Is that
15 correct?

16 THE COURT: Which charge are you talking
17 about?

18 MR. BICKLEY: The firearm charge, Your
19 Honor.

20 A. I don't have the exact date that it was
21 dismissed. I believe the date was February the
22 17th.

23 THE COURT: That's close enough.

24 A. I'm, you know --

25 BY MR. BICKLEY:

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1 Q. And do you recall why it was dismissed?

2 A. Well, the reason why it was dismissed is
3 because I was informed by Officer Fantasky, who
4 is retired now, that due to an error from the
5 subpoena the case was going to be rescheduled.
6 And that was the last thing that I was
7 informed. The next thing I find out that the
8 case was dismissed. I was available for the
9 hearing. I was working as a report writer at
10 the police station, so I was available to go
11 there.

12 Q. But it was dismissed because you didn't go,
13 though?

14 A. Well, like I said, Officer Fantasky, who was up
15 at Zozos' office, informed me that there was an
16 error with the subpoenas and the case was going
17 to be rescheduled. The next thing I found out
18 that it was dismissed because of me not being
19 there.

20 Q. At that point what happened?

21 A. Then I refiled the charge.

22 Q. Were you directed to refile it?

23 A. Well, I seek permission first to refile
24 charges.

25 Q. And with whom did you speak?

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1 A. First I checked with my supervisor. Then I --
2 we normally call the district attorney's office
3 to get permission to refile a charge.

4 Q. And they gave you permission. Is that correct?

5 A. Yes.

6 Q. So you refiled it?

7 A. Yes, sir.

8 Q. And the complaint that I showed you just five
9 minutes ago, that was the refiled complaint?

10 A. Yes.

11 Q. And subsequently the defendant was rearrested
12 on February 20th and arraigned before District
13 Justice Zozos. Is that correct?

14 A. I don't recall the date that he was arrested
15 because I don't believe I was part of that
16 arrest.

17 Q. Do you recall whether a preliminary hearing was
18 scheduled for March 1st, 1996?

19 A. There could have been. I don't recall the
20 exact dates.

21 Q. Do you recall that it was continued again until
22 April 18th?

23 A. Of '96?

24 Q. Yes.

25 A. I don't recall that.

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1 Q. But could it have been?

2 A. Yes. Like I said, during that time period I
3 was suffering from a herniated disc and I was
4 taken off of work for some time period. For a
5 period of about three to six months I was not
6 at work. So if any subpoenas came for me I
7 would not receive them.

8 Q. Do you recall on April 18th, 1996, once again
9 -- several times again a continued hearing
10 date, it was again continued until May 22nd?

11 A. I don't recall that.

12 Q. Could have been?

13 A. Possibly.

14 Q. And on May 22nd a preliminary hearing finally
15 occurred. Is that correct?

16 A. I'm not sure of the exact date.

17 THE COURT: I'm sure these are all matters
18 of record.

19 MR. BICKLEY: Yes, Your Honor.

20 BY MR. BICKLEY:

21 Q. Officer, are you reading from notes?

22 A. No, sir.

23 Q. You're not. Do you have any notes reflecting
24 any of this?

25 A. The only note that -- well, I have my reports

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1 here, but the only thing sitting on top is just
2 the report for the refile and that's it.

3 Q. That's it?

4 A. That's it. That's the only thing that I can
5 see right there.

6 THE COURT: That's all he's looking at.
7 But you have other things in front of you
8 there, don't you?

9 A. Yes.

10 MR. BICKLEY: That's all I have, Judge.

11 THE COURT: Thank you.

12 MR. CLANCY: I have a few questions, Your
13 Honor.

14 **REDIRECT EXAMINATION**

15 BY MR. CLANCY:

16 Q. Officer, Mr. Bickley asked you about a form
17 that sometimes is used when Miranda rights are
18 waived. Do you remember that?

19 A. Yes.

20 Q. Are you required to use that form in every
21 case?

22 A. No.

23 Q. Mr. Bickley showed you part of a transcript
24 from the preliminary hearing I take it?

25 A. Yes.

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1 Q. And he showed you a part about when you
2 testified about having read Mr. Horne his
3 Miranda rights. Do you recall that?

4 A. Yes.

5 Q. I'm trying to clarify that exchange. Is it
6 fair to say that when you finished your
7 questions from your card Mr. Horne's last
8 response to you was yeah or yes and then he
9 just started talking?

10 A. Yes.

11 Q. Now, on the consent to search the van form, in
12 addition to having Mr. Horne sign that form did
13 you tell him that he did not have to sign the
14 form?

15 A. I would have told him something like that. You
16 have the right not to -- you know, you have the
17 right to an attorney. You don't have to do
18 this. You know, you always tell them.

19 Q. I'm not talking about the Miranda rights. I'm
20 talking about when you asked him if you could
21 search his van.

22 A. Right.

23 Q. You said you would have said something like
24 that. What do you mean by that?

25 A. Because they don't have to sign the form. And

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1 that means that he doesn't have to consent to
2 the search.

3 Q. Well, do you typically, as a matter of your
4 practice as an officer, tell people that?

5 A. I stress the point in reference to their rights
6 to remain silent and their rights to an
7 attorney.

8 Q. What about his right to refuse to consent to
9 search his vehicle?

10 A. We read the form to them and, yes, I do inform
11 them that they have the right to refuse a
12 search.

13 Q. Do you recall telling Mr. Horne that he could
14 refuse to consent to search?

15 A. Yes. He's the one that gave permission. I
16 made a request and he said yes.

17 Q. My question to you is do you recall telling him
18 that he did not have to consent to search?

19 A. That's standard practice.

20 Q. Mr. Bickley asked you about the possibility of
21 a video camera being turned on and you were
22 explaining about that room being a separate
23 part of the booking room.

24 A. Right.

25 Q. If someone refuses the Breathalyzer test is it

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1 typical that the video camera is turned on?

2 A. No.

3 Q. We just went through a pretty long chronology
4 of preliminary hearings and such. I take it
5 that there was a period of time where you were
6 injured and not able to appear for court?

7 A. Correct.

8 Q. Is it also relatively common for there to be
9 logistical problems between subpoenas that are
10 said to have been issued out of a district
11 justice's office that you as the officer who is
12 supposed to testify don't actually receive?

13 A. They have a practice of putting your subpoena
14 -- instead of giving you a subpoena, sending an
15 e-mail by computer, but if you're not working
16 you're not going to get the e-mail.

17 MR. CLANCY: Those are all the questions I
18 have, Your Honor.

19 MR. BICKLEY: Just a few, Your Honor.

20 **RECROSS EXAMINATION**

21 BY MR. BICKLEY:

22 Q. You indicated just moments ago that it was
23 standard practice to review the consent form
24 with the defendant.

25 A. Yes.

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1 Q. Are you saying you recall specifically actually
2 doing that or are you saying that you think you
3 did it because it was standard?

4 A. It's standard practice to read to them and to
5 let them know what you're doing.

6 THE COURT: I think the officer does not
7 specifically recall doing it to Mr. Horne, but
8 that's standard practice. Is that your answer?

9 A. Yes.

10 BY MR. BICKLEY:

11 Q. Now, this waiver of rights form, the Miranda
12 form, you're saying that that is not standard
13 practice. Is that correct?

14 A. It's only standard practice when you're taking
15 a formal statement or you're dealing with a
16 juvenile, but that's another form, but it's a
17 waiver form that's used.

18 Q. You indicated at the beginning of your
19 testimony that it was unusual for you to be
20 doing this. Is that correct?

21 A. Right.

22 Q. So this was not something you normally did. Is
23 that correct?

24 A. I am a police officer that's working the
25 streets. That day I just happened to be

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1 assigned to the booking desk and normally the
2 booking room officer doesn't deal with doing
3 the ICR and handling a case. Normally we just
4 do the paperwork, process the individual and
5 that's the extent.

6 Q. You referred to ICR. That's an acronym?

7 A. Initial crime report.

8 Q. So what occurred that morning was not something
9 that you normally do then?

10 A. Correct.

11 Q. And just so I'm clear about this, and I know
12 that this may be somewhat redundant, you don't
13 recall Mr. Horne actually saying, yes, I waive
14 all my rights, I want to speak to you?

15 A. He said yes after each question.

16 Q. He didn't say, yes, I waive my rights and I
17 want to speak to you. Is that correct?

18 THE COURT: He said yes.

19 A. He used the word yes.

20 THE COURT: I think that's very clear now.
21 Thank you, Mr. Gonzalez. I think you're
22 finished.

23 MR. CLANCY: Your Honor, those are all the
24 witnesses the United States would call at this
25 point. It rests its case.

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1 THE COURT: All right. Does the defense
2 have any testimony?

3 MR. BICKLEY: No, Your Honor.

4 THE COURT: You do not?

5 MR. BICKLEY: No.

6 THE COURT: All right. Then we will
7 conclude the testimony.

8 MR. CLANCY: Your Honor, if I may, I note
9 that Mr. Bickley has on behalf of Mr. Horne
10 filed several motions. With the record that we
11 will have from today's proceeding I would like
12 to file a brief in response to his motions.

13 My brief typically, based on the filing
14 date, would be due this Friday. I would
15 request, however, the ability to order the
16 transcript from this proceeding and a period of
17 14 days after receiving the transcript within
18 which to file the Government's responsive brief
19 and then, of course, Mr. Bickley would have a
20 reply brief to file.

21 I would note for the Court that because a
22 pretrial motion has been filed all of the time
23 that the motion is pending and under
24 consideration with a reasonable time for
25 disposition of the motion is excludable under

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1 the Speedy Trial Act pursuant to 18 U.S.C. 3161
2 H(1)F.

3 THE COURT: Mr. Bickley, do you want to
4 supplement your brief at all based on anything
5 that's occurred at the hearing today?

6 MR. BICKLEY: Well, Your Honor, I would
7 like to, first of all, move for the admission
8 of our evidence, Your Honor. I would like the
9 opportunity to supplement, and I don't have it
10 right now, Your Honor, supplement some things
11 that are a matter of record, including
12 transcripts and whatever else is a matter of
13 record and whatever else I can -- I think there
14 are some outstanding discovery issues, too. I
15 would like the opportunity to supplement the
16 record and also perhaps respond to Mr. Clancy's
17 brief.

18 THE COURT: You don't want to supplement
19 your brief at this point?

20 MR. BICKLEY: Not my brief at this point.
21 I may wish to, though.

22 THE COURT: Well, the reason I ask you
23 that question is because I think if you're
24 going to supplement your brief it should be
25 done before Mr. Clancy is required to file a

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1 brief.

2 MR. BICKLEY: At this point if I were to
3 -- well, the Court would give me what period of
4 time to do that, Your Honor?

5 THE COURT: Well, Mr. Clancy would like to
6 have the transcript before he files his brief.
7 I didn't know whether that would be something
8 you --

9 MR. BICKLEY: That would be helpful, Your
10 Honor, yes.

11 THE COURT: Well, why don't we provide
12 then that you will supplement your brief within
13 10 days after the transcript is filed and then
14 we'll have the normal briefing periods for the
15 opposition and reply that are provided for in
16 our rules.

17 MR. BICKLEY: Fair enough.

18 MR. CLANCY: That would be fine with me,
19 Your Honor.

20 THE COURT: And the other motions that you
21 filed you have filed a brief?

22 MR. BICKLEY: Yes.

23 THE COURT: And you have not responded
24 yet?

25 MR. CLANCY: I have not, Your Honor. It

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1 would be my request to answer all of the
2 motions in one brief.

3 THE COURT: I think that would be much
4 more efficient as well. So we will grant you
5 an extension of time to respond to the other
6 pretrial motions that have been made and we'll
7 make that contemporaneous with your opposition
8 brief on the suppression hearing.

9 MR. CLANCY: Thank you, Your Honor. Your
10 Honor, I would also note that we currently are
11 still on the trial calendar for January 22nd.
12 With the pending motion I would simply suggest
13 that we remove the case from the trial calendar
14 to have it rescheduled for trial after the
15 motions are decided.

16 THE COURT: I hadn't thought about that,
17 but that obviously appears to be necessary.

18 MR. BICKLEY: Yes. Your Honor, I guess,
19 just informationally, I would ask, and maybe
20 this Court doesn't know at this point, but
21 where does that place us ballpark on the trial
22 list?

23 THE COURT: Well, until I dispose of the
24 motions I guess I can't set a date for trial,
25 but it would be within a very reasonable time

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1 after I rule on the outstanding motions and as
2 soon as I can do it. I'll admit all of the
3 exhibits that were referred to.

4 MR. CLANCY: I believe that's all we have
5 this morning, Your Honor.

6 THE COURT: I appreciate the efficient
7 manner in which this case was presented. We'll
8 adjourn at this time.

9 THE CLERK: Court is adjourned.

10 **(Defendant's Exhibit Number 3 marked for**
11 **identification.)**

12 (Whereupon, the hearing concluded at
13 10:35 a.m.)

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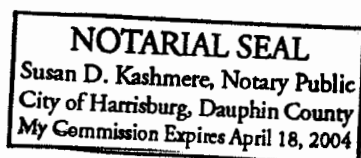
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CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings, and that this copy is a correct transcript of the same.

2-26-01
Date

Susan D. Kashmere
Susan D. Kashmere, RPR
Reporter, Notary Public



UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF PENNSYLVANIA

| | |
|---------------------------|------------------------|
| UNITED STATES OF AMERICA) | No. 1:CR-00-274 |
|) | |
| v.) | (JUDGE CALDWELL) |
|) | |
| ANTONIO L. HORNE,) | |
|) | (ELECTRONICALLY FILED) |
| Defendant/Petitioner.) | |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of November, 2004, she served a copy of the attached

**EXHIBITS TO UNITED STATES' RESPONSE TO PETITIONER'S
MOTION FOR RELIEF PURSUANT TO 28 U.S.C. § 2255**

via electronic filing and/or by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Antonio L. Horne, Sr.
41571-066, AK-3929
SCI Fayettee State Prison
50 Overlook Drive
LaBelle, PA 15450-9999

/s/ Carol A. Manies
CAROL A. MANIES
Legal Assistant